

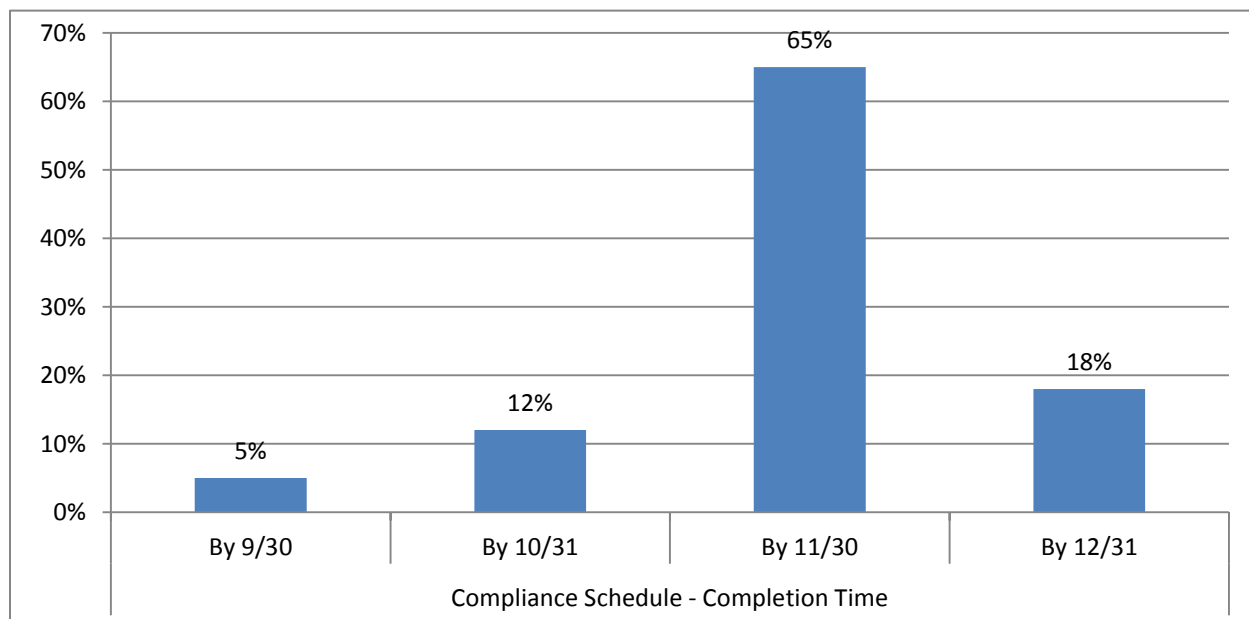
# Indiana Department of Environmental Management (IDEM) Audit of the East Chicago Sanitary District (aka, District and/or ECSD) Pretreatment Program Audit

<b>As Conducted by:</b> IDEM & USEPA on June 9, 10 & 11, 2021	<b>Period of Investigation:</b> 2019 & 2020
<b>Results of IDEM Inspection/Audit:</b> 43 Non-Conformances	<b>Regulatory Reference:</b> Electronic Code of Federal Regulations

## Submission of the District's (IN0022829) Response: 09/17/21

**Compliance Schedule:** Include a compliance schedule with a deadline for completing each remaining task as soon as possible.

**District's Relevant Comments:** In support of IDEM's recent audit of the District's Pretreatment Program, the District has fully assessed the various non-conformances and has detailed a Compliance Schedule (as follows hereafter) which will enable the District to achieve full conformance within a reasonable amount of time. In addition, the District's Enforcement Response Plan (ERP) which is consistent with 40 CFR 403.8(f)(5), details how the District will investigate permittees and respond to instances of noncompliance. Furthermore, the District must enforce the pretreatment program requirements on a strict liability basis. As such, every instance of noncompliance with the District's Sewer User Ordinance (Ordinance No. 18-0017), regardless of fault, negligence, or intent, is a violation of the SUO that subjects the permittee to enforcement action(s). However, while every instance of noncompliance may be a violation, all violations will not be met with the same initial enforcement response. In summary, the ERP serves as a guidance document. The ERP also serves to identify staffing requirements and further associate relevant job responsibilities. As the District has undergone significant staffing related changes during Year 2021, the newly appointed Director of Operations has empowered the recently hired Pretreatment Coordinator to address the various non-conformances and bring the District into full compliance as the Compliance Manager position is currently vacant.



Listing of Non-Conformances			Compliance Timeline				
Ct.	Description of Non-Conformance	Citation No.	By 09/30	By 10/31	By 11/30	By 12/31	Earlier? Later? Other? Relevant Comment
District's Assessment of the Various Non-Compliances & Preparation of Written Plan of Action.			Immediately initiated, thoroughly analyzed and completed by 9/13/21				
01	Pre-Treatment Program Mod. & Local Limits	1.2					
02	IU Characterization	2.0					Compliance Achieved
Control Mechanisms (CM)			per Natalie Maupin, Pretreatment Compliance Coordinator, IDEM				
03	Control Mechanisms (CM) – Slug Plan Inclusion	3.1					
04	CM – Significant Change Notification	3.2					

Listing of Non-Conformances			Compliance Timeline				
Ct.	Description of Non-Conformance	Citation No.	By 09/30	By 10/31	By 11/30	By 12/31	Earlier? Later? Other? Relevant Comment
05	CM – Self Monitoring Reports	3.3					IDEM Input Requested
06	CM – Phenol Sample Collections	3.4					
07	CM – No Local Limit for Silver	3.5					
08	CM – COD Duplication	3.6					
09	CM – TTO Methodology Typo	3.7					
10	CM – Sample Type Error	3.8					
11	CM – Usage of Certain Symbols	3.9					
Application of Pretreatment Standards & Requirements (APSR)			per Natalie Maupin, Pretreatment Compliance Coordinator, IDEM				
12	APSR – Cyanide Monitoring	4.0(a)					
13	APSR – TTO Monitoring	4.0(b)					In Compliance
Compliance Monitoring (CMon)			per Natalie Maupin, Pretreatment Compliance Coordinator, IDEM				
14	CMon – Inspection Monitoring	5.0					100% Compliance by 10/31
15	CMon – Self Monitoring	5.1					
16	CMon – SIU Compliance Inspections	5.2(a)					100% Compliance by 10/31
17	CMon – SIU & CIU Slug Discharge Control Plan	5.2(b)					
18	CMon – Submission of Self-Monitoring Report	5.3(a)					IDEM Input Requested
19	CMon – Self-Monitoring Report Frequency	5.3(b)					Two Step Deliverable
20	CMon – Chronic SNC Violations	6.0					
21	CMon – Submission of Annual Report	7.0					
Issuance of IU Control Mechanism (CMon)			per Newton Ellens, Pretreatment Program Manager, USEPA				
22	CMon – Statement of Non-Transferability	8.0					
23	CMon – Multiple Categorizations Listed	9.0					
24	CMon – Monthly Categorical Limits Required	10.0					
25	CMon – Monitoring Waiver Provision	11.0					
26	CMon – Nebulous Symbolism	12.0					
27	CMon – Sampling Requirements	13.0					Subject to Reconsideration
28	CMon – Reporting Requirement	14.0					USEPA Input Requested
29	CMon – Report Submission Requirement	15.0					USEPA Input Requested
30	CMon – Records Transparency	16.0					USEPA Input Requested
31	CMon – Alternate Categorical Requirements	17.0					USEPA Input Required
32	CMon – Significant Change Notification	18.0					
33	CMon – Slug Discharge Control Plan	19.0					
Control Authority Compliance Monitoring (CACM)			per Newton Ellens, Pretreatment Program Manager, USEPA				
34	CACM – No Inspection Report	20.0(a)					
35	CACM – Sample Collection Location	20.0(b)					In Compliance
36	CACM – Non-Issuance of NOV	21.0					Immediate Action Initiated
37	CACM – Lack of Chronic SNC Violations	22.0					
38	CACM – Public Posting of SNC Violations	23.0					
39	CACM – Lack of Enforcement Escalation	24.0					
Industrial User Self-Monitoring (IUSM)			per Newton Ellens, Pretreatment Program Manager, USEPA				
40	IUSM – Lack of Self-Monitoring Reports	25.a					
41	IUSM – Phenol Sample Collection	25.b					
42	IUSM – Report Certification	25.c					
43	IUSM – Notification of Discharge Violation	25d					

## BEGIN East Chicago Sanitation District (ECSD) Response to IDEM's Listing of Non-Conformances

Non-Conformance: 1.2	Pretreatment Program Modifications and Local Limits
<p><b>Issue:</b> the District must re-evaluate its local limits and submit its findings to both EPA and IDEM for review within six months of the effective date of the permit.</p> <p><b>Summary Description of Non-Conformance:</b> The District is currently under an Administrative Consent Order (Docket No, V-W-15-Ao-01) with EPA for violations of the Clean Water Act; more specifically for failing to operate its EPA approved pretreatment program in accordance with NPDES Permit No. IN0022829, Part III Conditions. On July 1, 2021, the District's NPDES permit renewal became effective. In accordance with Part III of the NPDES permit, the District must re-evaluate its local limits and submit its findings to both EPA and IDEM for review within six months of the effective date of the permit. The District must submit its re-evaluation by no later than December 31, 2021.</p> <p><b>District's Conformance Initiative(s):</b> On July 29, 2021, the District distributed the 2Q'21 Non-Compliance Pretreatment Report to both USEPA and IDEM. Furthermore, the District remains cognizant of the deliverable expectations as associated to the re-evaluation of its Local Limits.</p> <p><b>Status of Non-Conformance:</b> Reassessment of Local Limits remains current work in process as the delivery of the District's findings continues to align with 12/31/21 or sooner.</p>	
Non-Conformance: 2	IU Characterization
<p><b>Issue:</b> Linde Rare Gases and Helium (LRGH) is characterized as an SIU but only discharges non-contact water and averages less than 25,000 GPD.</p> <p><b>Summary Description of Non-Conformance:</b> Linde Inc. – Rare Gases and Helium (Linde) is currently regulated by ECSD as an SIU. However, based on the review of Linde's inspection reports and permit application, the IU only discharges non-contact cooling water to the District, and it usually averages less than 25,000 GPD. Therefore, based on these findings, the District may want to re-evaluate Linde's status as an SIU and potentially consider permitting them as a non-categorical nonsignificant IU.</p> <p><b>Regulatory Citation:</b>  <i>Pursuant to 40 CFR 403.3(t) Significant Industrial User; (1) Except as provided in paragraph (t)(2) of this section, the term Significant Industrial User means: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). (2) Upon finding that an industrial user meeting the criteria in paragraph (t)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 103.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.</i></p> <p><b>District's Conformance Initiative(s):</b> As consistent with 40 CFR 403.3(t) and as the LRGH's permit was subject to renewal, the District re-evaluated LRGH's wastewater discharge practices (i.e., types, flows, volumes) and decided to re-classify LRGH as a non-significant industrial user.</p> <p><b>Status of Non-Conformance:</b> Conformance was achieved on 8/2/21</p> <p><b>Supporting Documentation:</b>  2.0_LRGH_Water_Type_and Discharge_Supporting_Documentation  2.0_Linde_Rare_Gases_Permit_Renewal</p>	

**Non-Conformance: 3.1****Control Mechanisms: Slug Plan Inclusion**

**Issue:** According to Ken Myers, Director of Wastewater Operations, all SIUs are required to develop slug discharge control plans.

**Summary Description of Non-Conformance:** Per IDEM and as determined by the District to be necessary, a slug discharge control plan may be included within the permit. 40 CFR 403.12(j) requires all industrial users to report a significant change in discharge to the District. Both Safety Kleen and LRGH are missing the significant change notification requirements.

**Regulatory Citation:**

*Pursuant to 40 CFR 403.8(f)(2)(v): Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial User at least once a year. Evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: (A) description of stored chemicals, (B) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days. Furthermore and as pursuant to 40 CFR 403.12(j), notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).*

**Non-Conformance Rebuttal:** The District has and continues to include within all permit issuances and permit renewals, Slug Plan related language as listed within the section entitled Effluent Limitations, General Provisions, as captured within items 7 and 11. In addition and as listed within the District's Industrial Pretreatment Inspection form, the Inspector inquires during an Inspection Meeting as to 1) the applicability of a Spill Prevention Countermeasure Plan (SPCC) and the applicability of a Slug Plan. Also and as applicable, the Inspector further inquires as to the 1) the applicability of the SPCC and/or Slug Plan, 2) whether the SPCC and/or the Slug Plan is on file and 3) whether the SPCC and/or the Slug Plan is adequate and if not, 4) an explanation as to the reason why the SPCC and/or the Slug Plan is deficient. Also and as consistent with 40 CFR 403.8(f)(2)(vi) and 40 CFR 403.12(f), the city's ordinance number 18-0017, "An Ordinance to Amend and Restate the City of East Chicago Sewer User Ordinances and Regulations", further provides within provision 13.13.3.01.1 Discharge Prohibitions. (a) General Prohibitions chapter, the following language: No User shall contribute, introduce or cause to be introduced, discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District which causes Pass Through or Interference. These General Prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements...

There are also Specific Prohibitions which further states: No User shall contribute, introduce, cause to be introduced, discharge or cause to be discharged, directly or indirectly any of the following described substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District: ...(7) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

In addition and as detailed within the ordinances Reporting Requirements chapter, provision 13.13.5.04.5. Spill/Slug Load Control Plans; In each case where the District has required an industrial user to file a spill/slug control plan, such SIU shall submit to the District, on a biennial basis, a plan for the prevention of slug loads or accidental discharges of substances to the POTW. Each SIU shall notify the District immediately of any changes at its facility affecting the Spill Control Plan or the potential for a slug discharge. Said plan shall contain no less than the following: (a) a description of discharge practices, including non-routine batch discharges, (b) a description of all chemicals stored on site, (c) a procedure for immediately notifying the District in the event of a slug load or other accidental discharge, with procedures for follow-up written notification within five days of the event and (d) procedures to prevent adverse impact from accidental or slug discharges, including but not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response...

Furthermore, provision 13.13.5.04.08, Reports of Changed Conditions, each IU must notify the District of any significant changes to the IU's

operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change...

Also and as noted within provision 13.13.5.04.9, Reports of Potential Problems related chapter, requires as follows; (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the IU shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known and corrective actions taken by the IU, (b) within five (5) days following such discharge, the IU shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter, (c) a notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure and (d) SIUs are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

**District's Conformance Initiative(s)**: In furtherance to the various slug control and/or significant change notification requirements as listed within 1) the applicable permit and 2) city ordinance number 18-0017 (Sewer User Ordinances and Regulations), please be further advised that the annual Inspection Meeting also provides a forum to serve notice upon all industrial users to immediately notify the District of any type of operational excursion which can serve to negatively impact wastewater treatment operations. Also, the data reported by the industrial user within the Monthly Discharge Volume reports and as utilized during the Inspection Meeting will further serve to 1) initiate added discussion concerning the industrial user monthly wastewater related discharges, 2) to further emphasize the need for the discharger to immediately notify the District of a slug discharge and 3) to prompt the District to exercise the right to conduct an unannounced inspection (13.13.5.05) in order to review production records, assess and determine if the permittee remains in conformance with the spill/slug load control plans (13.13.5.04.5).

**Status of Non-Conformance**: Conformance to be achieved by no later than 11/30/21.

**Supporting Documentation**:

3.1\_CM\_Slug\_Plan\_Inclusion\_City\_Ordinance  
3.1\_Significant\_Change\_Notification\_Within\_Applicable\_Permit  
3.1\_Slug-Plan\_Control\_Mechanism\_Within\_Applicable\_Permit  
3.1\_Inspection\_Report\_Documentation\_of\_Significant\_Discharge

**Non-Conformance: 3.2**

**Control Mechanisms: Significant Change Notification**

**Issue**: The Significant Change Notification requirement is missing from both Safety Kleen's and Electrical Coatings permit.

**Regulatory Citation**:

*As pursuant to 40 CFR 403.12 (j), notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).*

**District's Conformance Initiative(s)**: Due to the recent review and renewal of Linde Inc. Rare Gas and Helium permit, the District has included the Significant Change notification related language within the reissued permit. Furthermore and relative to all active permits, the District will review and notify those dischargers whose current permit does not include Significant Change notification language.

**Status of Non-Conformance**: Conformance will be achieved by 11/30/21.

**Supporting Documentation**:

3.2\_Linde\_Rare\_Gases\_Permit\_Significant\_Change\_Notice\_Inclusion

<b>Non-Conformance: 3.3</b>	<b>Control Mechanisms: Self- Monitoring Reports (SMRs)</b>
<p><b>Issue:</b> The District is not CROMERR approved and therefore cannot accept SMRs in an electronic format.</p> <p><b>Regulatory Citation:</b>  CROMMER was codified in the Code of Federal Regulations (CFR), Title 40, Part 3 on October 13, 2005. CROMMER was then amended on December 24, 2008 to extend compliance dates for existing systems. CROMMER provides the legal framework for electronic reporting from regulated entities to the Environmental Protection Agency (EPA) and to states, tribes and local governments that are authorized to administer EPA programs. The intent of CROMMER is to maintain the same level of corporate and individual responsibility and accountability that exists in the paper environment when reporting is done electronically. CROMMER supports many of the benefits of electronic reporting, including: 1) allowing government agencies and regulated entities to interact electronically, 2) fostering more rapid and accurate environmental reporting and posting of compliance information, 3) simplifying facility reporting processes, 4) making data more readily available and 4) maintaining consistency with emerging industry practices.</p> <p><b>Non-Conformance Rebuttal:</b> What CROMMER does not do is as follows: 1) does not set requirements for e-Recordkeeping: the rule does not set requirements for regulated entities that maintain records required under EPA and EPA authorized programs that wish to maintain those records electronically, 2) does not make e-Reporting mandatory: CROMMER does not mandate that authorized programs institute electronic reporting requirements or accept documents electronically. It also does not require that regulated entities use electronic reporting to report to EPA and 3) does not prohibit mandatory e-Reporting: CROMMER does not prohibit mandatory e-reporting under federal, state, tribal or local laws. Furthermore, CROMMER does not apply to 1) documents submitted via fax, or magnetic or optical media, including: 1) facsimile transmissions, tape, diskette, compact disc (CD) and digital video disc (DVD), 2) data transfers between EPA and state, tribal or local governments when the transfers are 1) part of their authorized programs or 2) part of administrative arrangements with EPA, 3) submissions to EPA not under Title 40 and 4) submissions to date , tribal or local governments not under their authorized programs.</p> <p><b>District's Conformance Initiative(s):</b> As consistent with CROMMER's rule which does not set requirements for regulated entities that maintain records required under EPA and EPA authorized programs that wish to maintain these records electronically, please be advised that the District does wish to maintain records electronically and as such, instructs all industrial users within their applicable permits to electronically transmit all Pretreatment related reporting and/or notification requirements as these documents are immediately and electronically stored in accordance with the three year record retention requirement. Alternately and should IDEM take exception with the District's interpretation of the CROMMER rule and provides guidance as to the applicability of the CROMMER rule to facsimile transmissions, the District will move forward and revise all industrial user permits so as to include language which establishes as first preference, the facsimile transmission of all reporting and notification requirements.</p> <p><b>Status of Non-Conformance:</b> Conformance to be achieved by 11/30/21.</p> <p><b>Supporting Documentation:</b>  3.3_Self_Monitoring_Reports_CROMMER</p>	
<b>3.4</b>	<b>Control Mechanisms: Phenol Sample Collections</b>
<p><b>Issue:</b> In accordance with 40 CFR 403.12(g), phenols samples must be collected from a grab sample.</p> <p><b>Summary Description of Non-Conformance:</b> Electric Coatings and Linde's permit state that the phenols sample method is a composite sample.</p> <p><b>Regulatory Citation:</b>  As pursuant to 40 CFR 403.12(g), Monitoring and analysis to demonstrate continued compliance. (1) Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In</p>	

addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

40 CFR 403.12 (b)(5)(iii), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24 hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

**District's Conformance Initiative(s):** The District has immediately initiated two pathways towards correcting its phenol sampling techniques. The first pathway associates with Linde's permit renewal request as the renewed permit now reflects the correct phenol sampling technique. Furthermore, the Pre-Treatment Assistant has been apprised of this change sampling practice requirement. The second pathway will be to review, revise as required then advise all permittee(s) of the changed sampling practices for phenol related sampling requirements.

**Status of Non-Conformance:** The District will collectively review all existing permits and as deemed necessary, will implement all permit related modification requirements so as to include the correct phenol sampling technique by 11/30/21.

3.5

**Control Mechanisms: No Local Limit for Silver**

**Issue:** No Local Limit for Silver

**Summary Description of Non-Conformance:** The monitoring table within Linde's permit errantly requires that silver will be monitored.

**District's Conformance Initiative(s):** As the District recently reissued Linde Inc. – Rare Gases and Helium permit, the Monitoring Requirements, A. District Monitoring Responsibilities; Silver sample parameter was removed from the table. As 78% of all current permit issuances will be renewed by no later than 1Q'22, the District will further review all District Monitoring Responsibilities tables and as applicable, remove Silver which may have been errantly included.

**Status of Non-Conformance:** The District will further review all existing permits and as deemed necessary, will removal all errantly entered silver monitoring requirement by 11/30/21.

**Supporting Documentation:**

3.5\_Linde\_Local\_Limits\_Monitoring\_Requirements\_Modifications

3.6

**Control Mechanisms: COD Duplication in the District Monitoring table within Electric Coating's permit**

**Issue:** Each COD listing contains a different analysis method.

**Summary Description of Non-Conformance:** ECSD must determine which method is correct and delete the other.

**District's Conformance Initiative:** The District has duly noted the COD related duplication error and will move to revise and correct this errant entry. The District will further review all permit issuances and should additional COD duplications arise, the District will further move to correct any additional errors.

**Status of Non-Conformance:** The District will further review all existing permits and as deemed necessary, will remove any COD related duplications by 11/30/21.

**Supporting Documentation:**

3.6\_Electric\_Ctg\_District\_Monitoring\_Example\_of\_COD\_Duplication

3.6\_Example\_of\_Correct\_COD\_Method\_WR\_Grace\_permit



3.6_Second_Example_of_Correct_COD_Method_Linde_Permit	
3.7	<b>Control Mechanisms: Electric Coating – TTO methodology typographical error</b>
<p><b>Issue:</b> Both the District’s and the Permittee Monitoring tables contain TTO method of analysis “typo”.</p> <p><b>District’s Conformance Initiative:</b> The District has duly noted the typographical error as associated to the description of the TTO related methodology within Electric Coating Technologies (ECT) permit. The correct methodology, which will be revised within ECT’s permit should read as follows: “608/624/625” Toxic organics shall be analyzed using U.S. EPA’s methods: 624 (volatile organics), 625 (semi-volatile organics), and 608 (PCBS and pesticides) in accordance with 40 CFR 136.</p> <p><b>Status of Non-Conformance:</b> The District will correct this typographical error within ECT’s permit and will also review all industrial users which are required to monitor TTO and as applicable, make the required corrections by no later than 11/30/21.</p> <p><b>Supporting Documentation:</b> 3.7_Elec_Ctg_TTO_Method_Error</p>	
3.8	<b>Control Mechanisms: Electric Coating Sample Type Error</b>
<p><b>Issue:</b> The sample type listed for TTO is a 24 hour composite.</p> <p><b>Summary Description of Non-Conformance:</b> The sample type should be a grab/sample or grab only sample.</p> <p><b>District’s Conformance Initiative:</b> The District has noted this errant entry as we are deducing that the permit writer errantly copied, pasted and associated the incorrect “Sample Type” to the TTO “Sample Parameter”. The District will correct this error and associate “grab/composite” as the “Sample Type”. Also and as this error may have been a recurring practice across various permits, the District will review and as deemed necessary, make the necessary sample type revision.</p> <p><b>Status of Non-Conformance:</b> The District will correct this errant entry within ECT’s permit and also review all permits and as deemed necessary, make the necessary sample type revision by no later than 11/30/21.</p> <p><b>Supporting Documentation:</b> See 3.7_Elec_Ctg_TTO_Method_Error</p>	
3.9	<b>Control Mechanisms: The Usage of Certain Symbols</b>
<p><b>Issue:</b> It is recommended that the usage of <math>\geq</math> and/or <math>\leq</math> symbolism should be dropped.</p> <p><b>Summary Description of Non-Conformance:</b> Electric Coatings permit states that ECSD will monitor for some pollutants at the IU “<math>\leq 1</math>/month”. Linde’s permit states that ECSD will monitor for some pollutants at the IU “<math>\geq 1</math>/month”.</p> <p><b>Achievement of Continued Conformance:</b> The District has duly noted IDEM’s recommendation and further recognizes that the usage of certain symbols can be misleading and as such, will attempt to drop the usage of any/all symbols within the permit by no later than 11/30/21.</p> <p><b>Supporting Documentation:</b> 3.9_Misleading_Symbolism_Changes</p>	
4.0 (a)	<b>Application of Pretreatment Standards and Requirements: Cyanide Monitoring</b>
<p><b>Issue:</b> Electric Coating is required to monitor for total cyanide under the Metal Finishing regulation 40 CFR 433.17(a).</p> <p><b>Summary Description of Non-Conformance:</b> However, in accordance with 40 CFR 433.17(b), an IU may sample for “available cyanide” but</p>	



lists the amendable cyanide limits found in 40 CFR 433.17(b). Electric Coating is not conducting cyanide treatment. Therefore, the permit must be modified to include monitoring requirements for total cyanide with the limits found in 40 CFR 433.17(a).

**Regulatory Citation:**

*§433.17 Pretreatment standards for new sources (PSNS).*

*(a) Except as provided in 40 CFR 403.7, any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for new sources (PSNS):*

PSNS		
	Milligrams per liter (mg/L)	
Pollutant or Pollutant Property	Maximum for any one day	Monthly Average should not exceed
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	

*(b) Alternatively, for industrial facilities with cyanide treatment, and upon agreement between a source subject to these limits and the pollution control authority, the following amenable cyanide limit may apply in place of the total cyanide limit specified in paragraph (a) of this section:*

	Milligrams per liter (mg/L)	
Pollutant or Pollutant Property	Maximum for any one day	Monthly Average should not exceed
Cyanide (A)	0.86	0.32

**Achievement of Continued Conformance:** The District will further modify Electric Coating Technologies Effluent Limitations, A. Categorical Limitations to include monitoring requirements for total cyanide as consistent with the limitations listed within 40 CFR 433.17(a).

**District's Conformance Initiative:** The District will make the cyanide monitoring change to ECT's permit by no later than 11/30/21.

**Supporting Documentation:**

4.0(a)\_Total\_Cyanide\_Monitoring

4.0 (b)	Application of Pretreatment Standards and Requirements: TTO Monitoring
<p><b>Issue:</b> 40 CFR 433 requires Categorical IUs to monitor for all TTOs listed within 40 CFR 433.11.</p> <p><b>Summary Description of Non-Conformance:</b> A footnote below the District and Permittee Monitoring tables in Electric Coating's permit states the only TTOs required to be monitored are methylene chloride, chloroform and naphthalene. The District could not produce a lab analysis report of a full TTO scan or other documentation that only these three TTO pollutants are expected to be present.</p> <p><b>Regulatory Citation:</b>  <i>§433.11 Specialized definitions. The definitions set forth in 40 CFR part 401 and the chemical analysis methods set forth in 40 CFR part 136 are both incorporated here by reference. In addition, the following definitions apply to this part:</i></p>	

(a) The term “T”, as in “Cyanide, T”, shall mean total.

(b) The term “A”, as in “Cyanide A”, shall mean amenable to alkaline chlorination.

(c) The term “job shop” shall mean a facility which owns not more than 50% (annual area basis) of the materials undergoing metal finishing.

(d) The term “independent” printed circuit board manufacturer shall mean a facility which manufacturers printed circuit boards principally for sale to other companies.

(e) The term “TTO” shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:

Acenaphthene, Acrolein, Acrylonitrile, Benzene, Benzidine, Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, Hexachlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, Hexachloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, Bis (2-chloroethyl) ether, 2-Chloroethyl vinyl ether (mixed), 2-Chloronaphthalene, 2,4,6-Trichlorophenol, Parachlorometa cresol, Chloroform (trichloromethane), 2-Chlorophenol, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 3,3-Dichlorobenzidine, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 2,4-Dichlorophenol, 1,2-Dichloropropane, 1,3-Dichloropropylene (1,3-dichloropropene), 2,4-Dimethylpheno, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 1,2-Diphenylhydrazine, Ethylbenzene, Fluoranthene, 4-Chlorophenyl phenyl ether, 4-Bromophenyl phenyl ether, Bis (2-chloroisopropyl) ether, Bis (2-chloroethoxy) methane, Methylene chloride (dichloromethane), Methyl chloride (chloromethane), Methyl bromide (bromomethane), Bromoform (tribromomethane), Dichlorobromomethane, Chlorodibromomethane, Hexachlorobutadiene, Hexachlorocyclopentadiene, Isophorone, Naphthalene, Nitrobenzene, 2-Nitrophenol, 4-Nitrophenol, 2,4-Dinitrophenol, 4,6-Dinitro-o-cresol, N-nitrosodimethylamine, N-nitrosodiphenylamine, N-nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Bis (2-ethylhexyl) phthalate, Butyl benzyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Diethyl phthalate, Dimethyl phthalate, 1,2-Benzanthracene, (benzo(a)anthracene), Benzo(a)pyrene (3,4-benzopyrene), 3,4-Benzofluoranthene (benzo(b)fluoranthene), 11,12-Benzofluoranthene (benzo(k)fluoranthene), Chrysene, Acenaphthylene, Anthracene, 1,12-Benzoperylene (benzo(ghi)perylene), Fluorene, Phenanthrene, 1,2,5,6-Dibenzanthracene (dibenzo(a,h)anthracene), Indeno(1,2,3-cd) pyrene (2,3-o-phenylene pyrene), Pyrene, Tetrachloroethylene, Toluene, Trichloroethylene, Vinyl chloride (chloroethylene), Aldrin, Dieldrin, Chlordane (technical mixture and metabolites), 4,4-DDT, 4,4-DDE (p,p-DDX), 4,4-DDD (p,p-TDE), Alpha-endosulfan, Beta-endosulfan, Endosulfan sulfate, Endrin, Endrin aldehyde, Heptachlor, Heptachlor epoxide, (BHC-hexachloro-cyclohexane), Alpha-BHC, Beta-BHC, Gamma-BHC, Delta-BHC, (PCB-polychlorinated biphenyls), PCB-1242 (Arochlor 1242), PCB-1254 (Arochlor 1254), PCB-1221 (Arochlor 1221), PCB-1232 (Arochlor 1232), PCB-1248 (Arochlor 1248), PCB-1260 (Arochlor 1260), PCB-1016 (Arochlor 1016), Toxaphene, 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)

**Non-Conformance Related Rebuttal:** As noted within the supporting document, the District clearly addresses 1) the National Categorical Pretreatment Standards as established by 40 CFR 433 Metal Finishing point source category, as this Effluent Limitation is clearly identified within Electric Coating’s permit, 2) the footnote as labeled [2] makes specific reference to chloride, chloroform and naphthalene and the summation of these parameters within the Categorical Limitations as the District further suggests relative to the listed categorical limitations that 3) this specific list of contaminants shall not relieve the permittee of its responsibility to comply with all other specific pollutants as listed in the Ordinance 13.13.3.02.3. The District requires complete compliance with the Sewer User Ordinance and compliance will all local limitations.

In addition and in response to the District’s inability to produce a lab analysis report of the full TTO scan as requested by IDEM during the audit, please be advised that the District does in fact conduct and can further demonstrate a lab analysis (see listing of supporting documents) of the TTOs which are footnoted to the Categorical Limitations table. Furthermore and according to 40 CFR 433.11(e), the term “TTO” shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics (as listed above). As the District interprets 40 CFR 433.11(e), the operative phrasing is “which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxics...” the District has determined that the relevant addends are methylene chloride, chloroform and naphthalene.

**District’s Conformance Initiative:** As consistent with the applicable regulation and unless otherwise directed by IDEM, the District considers current TTO monitoring practices to be in conformance.

**Supporting Documentation:**

4.0(b)\_TTO\_Monitoring  
4.0(b)\_TTO\_Monitoring\_Lab\_Report

## 5.0

### Compliance Monitoring: Inspection and Monitoring Program

**Issue:** The federal pretreatment regulations require a POTW to develop and implement an inspection and monitoring program to determine, independent of information supplied by IUs, occasional and continuing noncompliance with pretreatment standards.

**Regulatory Citation:**

*40 CFR 403.8(f)(2)(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under §403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;*

*40 CFR 403.8(f)(2)(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions;*

**Non-Conformance Related Rebuttal:** Generally speaking, the District has and continues to implement an inspection and monitoring program to determine non-compliance with pre-established pretreatment compliance related requirements. As specific to the period of investigation which further incorporates the onset of the COVID pandemic, the District uncompromisingly conducted water sampling of all industrial users but fell delinquent relative to continuously conducting inspection meetings. Since the hiring of the new Pretreatment Coordinator, who was employed on 03/29/21, the District realized the immediate resurgence of Inspection meetings as twelve of the twenty-two permitted industrial users have participated within inspection meetings over the past twelve months as the remaining 9 industrial users will be inspected by no later than 10/11/21.

**District's Conformance Initiative:** During 2021, inspection meetings as conducted by the District of all industrial users will be completed by 10/11/21. Furthermore and relative to Monitoring, the District has and continues to collect weekly wastewater samples of all industrial users.

**Supporting Documentation:**

5.0\_Inspection\_Meetings\_2021

5.0\_Example\_Recordkeeping\_of Monitoring\_Practices

## 5.1

### Compliance Monitoring: Random Sampling of Effluent from each IU at least once per year

**Issue:** The District failed to sample and analyze for Bis(2-ethylhexyl), Phthalate, Available Cyanide, Mercury, Molybdenum and Phenols in January 2019 and Phosphorous in July and December 2019.

**Summary Description of Non-Conformance:** The District is required to randomly sample and analyze the effluent from each SIU at least once a year... In addition, the District has chosen to conduct most of its IUs self-monitoring requirements. The District conducts all sampling and analysis at Linde. The District is collecting and analyzing phenols from 24 hour composite samples. Grab samples must be used for phenols. The District is collecting its 24 hour composite using time proportioned samples at both E/Coatings and Linde. The District's SUO states that it will use flow based composite samples for monitoring purposes. 40 CFR 403.12(g)(3) states that flow proportioned 24 hour composite samples must be used, unless time proportional composite sampling or grab sampling is authorized by the District. The sample must also be representative of the discharge and the decision to allow the alternative sampling must be documented in the IU file for that facility or facilities. Documentation regarding time portioned sampling methods was not found in either IU file.

**Regulatory Citation:**

*40 CFR 403.8(f)(2)(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information*

*supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under §403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;*

*40 CFR 403.12(g)(3) Monitoring and analysis to demonstrate continued compliance. (1) Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.*

*(2) If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:*

*(i) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or*

*(ii) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.*

*(3) The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.*

**Non-Conformance Related Rebuttal:** Relative to Linde, the District has and can further demonstrate (see corresponding records) that sampling procedures for Bis(2-ethylhexyl), Phthalate, Available Cyanide, Mercury, Molybdenum and Phenols have been taken in January 2019 and Phosphorous in July and December 2019. Furthermore and as detailed within each permit, the District conducts random sampling of each SIU and also a third party laboratory to analyze the effluent.

**Achievement of Continued Conformance:** The District further recognizes that it needs to reassess and also document its authorized sample type practices and as such, will initiate immediate action to review all permit issuances as further based upon the characteristics of the discharge.

**District's Conformance Initiative:** The District will complete its analysis by 11/30/21.

**Supporting Documentation:**

5.1\_January\_2019\_Linde\_Sampling\_Results

5.1\_March\_2019\_Sampling\_Results  
5.1\_July\_2019\_Sampling\_Results  
5.1\_December\_2019\_Sampling\_Results

**5.2(a)**

**Compliance Monitoring: SIU Compliance Inspections**

**Issue:** The Linde file did not include an inspection report for 2017, 2018, 2019 nor 2020.

**Summary Description of Non-Conformance:** The District is required to inspect each SIU at least once per year. The Electric Coating file did not include an inspection report for 2018 or 2020.

**Regulatory Citation:** 40 CFR 403.8(f)(2)(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under §403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

40 CFR 403.8(f)(b)(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:

**Achievement of Continued Conformance:** As specific to Electric Coating and Linde Inc. – Rare Gases (aka SIUs) and as the District further recognizes that annual inspections of all SIUs is required, the District further acknowledges that it cannot demonstrate the relevant inspection records which would serve to confirm that during the period of time in question the annual inspection requirement was in fact performed. Furthermore and since the recent hire of the new Pre-Treatment Coordinator, re-establishing the prioritization of the inspection meeting has been his first order of business as 100% of all permitted industrial users will have been inspected by no later than 10/31/21.

**District's Conformance Initiative:** Compliance inspections of all SIUs for Year 2021 will be completed by no later than the close of 10/31/21. Also and during Year 2022, the Pre-Treatment Coordinator's inspection meeting related objective is to achieve full conformance with 40 CFR 403.8(f)(b)(v) by no later than the close of 10/11/22.

**Supporting Documentation:**

See: 5.0\_Inspection\_Meetings

**5.2(b)**

**Compliance Monitoring: Slug Plan Requirement**

**Issue:** Ken Myers, Director of Wastewater Operations at CESD, stated that all SIUs/CIUs are required to develop slug discharge control plans.

**Summary Description of Non-Conformance:** According to Linde's 2016 inspection report, the IU is not required to develop such a plan. In addition, no such plan was found in Linde's file. The District needs to re-evaluate each SIU and CIU to determine if a slug discharge control plan is necessary. If one is required, then the slug plan conditions must be added to the SIU and CIU permit. These evaluations must be documented in the corresponding files.

**Regulatory Citation:**

40 CFR 403.8(f)(2)(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

*(A) Description of discharge practices, including non-routine batch Discharges;*

*(B) Description of stored chemicals;*

*(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;*

*(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;*

**Achievement of Continued Conformance:** Per IDEM's recommendation to reassess the decision to require all SIUs and CIUs to maintain slug control plan, and as this recommendation is consistent with 40 CFR 403.8(f)(2)(6) which further states, "...If the POTW decides that a slug control plan is needed...", the District has decided to re-assess the requirement that all SIUs and CIUs have slug control plans in place as further based upon 40 CFR 403.12(f) and 40 CFR 403.5(b) which cite the following:

*40 CFR 403.12(f) Notice of potential problems, including slug loading. All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §403.5(b), by the Industrial User.*

*And*

*40 CFR 403.5(b) Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:*

*(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;*

*(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;*

*(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;*

*(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.*

*(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.*

*(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;*

*(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;*

*(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.*

As consistent with 40 CFR 403.12(f), the District is requiring as listed within the Notification Requirements section of the permit that all

categorical and non-categorical dischargers must immediately notify the POTW of any changes at the facility that change the potential for a slug discharge. Relative to the slug notification requirement and after further review, the District has assessed two issues. The first issue is associated to the heading descriptor relative to the slug control notification requirement as the heading has been misspelled as follows “SLUG CONTROL MODIFICATION” and should read “SLUG CONTROL NOTIFICATION”. Furthermore, the verbiage associated to the slug discharge notification within the permit will be modified to read as follows: “...requires that categorical and non-categorical dischargers must immediately notify the POTW of any changes at the facility that may directly or indirectly contribute to the potential of a slug discharge”.

As consistent with 40 CFR 403.5(b) and as also detailed within the permit application form, the District requires at the onset of the permit consideration process, that all categorical and non-categorical dischargers further provide and certify to the best of their knowledge, wastewater constituents and characteristics related information which enables the District to assess in greater granularity if a slug control plan will be required from the industrial user.

Finally and as consistent with the District Director’s mandate, all SIUs and CIUs will be required to maintain slug charge notification plans (See Supporting Documentation).

**District’s Conformance Initiative:** The District will review all SIU and CIU permits and as applicable, will contact the permittee of the District’s intent to revise and reissue the standing permit to include a slug control plan compliance requirement then incorporate a record of this analysis within the permittees corresponding file by 11/30/21.

**Supporting Documentation:**

5.2(b)\_Electric\_Coatings\_Permits\_Application\_Wastewater\_Response  
 5.2(b)\_Safety\_Kleen\_Permits\_Application\_Wastewater\_Response  
 5.2(b)\_Lakeshore\_Permits\_Application\_Wastewater\_Response  
 5.2(b)\_Linde\_RareGases\_Permits\_Application\_Wastewater\_Response  
 5.2(b)\_National\_Processing\_Permits\_Application\_Wastewater\_Response  
 5.2(b)\_East\_Chicago\_Permits\_Application\_Wastewater\_Inquiries  
 5.2(b)\_Example\_of\_Slug\_Control\_Plan

5.3(a)	Compliance Monitoring: Submission of Self-Monitoring Report
<p><b>Issue:</b> Both Electric Coating and Linde’s permits require self-monitoring to be submitted in an electronic deliverable format.</p> <p><b>Summary Description of Non-Conformance:</b> This requirement, however, does not apply per 40 CFR 403.8(f)(1)(iii)(b)(4).</p> <p><b>Regulatory Citation:</b>  <i>Pursuant to 40 CFR 403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;</i></p> <p><b>Non-Conformance Related Rebuttal:</b> As cited by IDEM and when assessing 40 CFR 403.8(f)(iii)(B)(4) from the District’s document management practices, the District hasn’t deciphered from this citation the non-applicability of the utilization of electronic mediums to electronically forward and subsequently electronically store within the District’s electronic databases the various electronic documents as received from the industrial users.</p> <p><b>District’s Conformance Initiative:</b> Unless IDEM demonstrates otherwise, the District will continue to electronically receive and store electronic documents within the District’s electronic databases.</p>	



5.3(b)	<b>Compliance Monitoring: Self-Monitoring Report Frequency</b>
<p><b>Issue:</b> Self-Monitoring reports submitted to ECSD did not show an increase in monitoring frequency.</p> <p><b>Summary Description of Non-Conformance:</b> In a Notice of Violation (NOV) response letter dated January 20, 2021 from Linde to ECSD regarding December 2020 zinc violations, the IU stated that it would increase its monitoring frequency for zinc, daily. Self-monitoring reports submitted to ECSD did not show an increase in monitoring frequency. 40 CFR 403.12(g)(6)</p> <p><b>Regulatory Citation:</b> Pursuant to 40 CFR 403.12(g)(6), <i>If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(5) of this section, the results of this monitoring shall be included in the report.</i></p> <p><b>Achievement of Continued Conformance:</b> Please be respectfully advised that IDEM incorrectly listed the subject industrial user as being, Linde. The correct industrial user which is associated to the zinc NOV is Electric Coating (EC). Relative to this specific NOV, the District regrettably neglected to review, monitor and enforce EC's commitment to provide self-monitoring data. As the District's newly hired Pre-Treatment Coordinator (PTC) recently conducted an Inspection meeting of Electric Coating on 9/3/21, the December 2020 zinc related NOV was briefly discussed in terms of total issuances and as based upon this specific metric, the District expressed that EC can be further construed as a good corporate citizen. Furthermore and relative to this non-conformance (5.3(b)), please be advised that the District immediately contacted Electric Coating and ascertained that the industrial user had no intent of reporting any additional sampling to the District. In response, the District reminded EC of city Ordinance 18-0017 (Sewer User Ordinance) as provision 13.13.5.04.11, Notice of Violation/Repeat Sampling and Reporting requires that EC must immediately notify the District of any violation.</p> <p><i>City Ordinance 18-0017 (Sewer User Ordinance), 13.13.5.04.11, Notice of Violation/Repeat Sampling and Reporting, if sampling performed by an Industrial User (IU) indicates a violation, the IU must notify the District within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the IU is not required if the District performs sampling at the IU's facility at least once a month, or if the District performs sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the District receives the results of this sampling. If the District has performed the sampling and analysis in lieu of the IU, the District shall perform the repeat sampling and analysis.</i></p> <p><b>District's Conformance Initiatives:</b> During the period of investigation and through the 1H'21, the District enforcement actions continue to remain substandard. As the District recently hired a new Pretreatment Coordinator and as based upon his participation within this audit proceeding, the incumbent has duly noted EC's non-conforming past practices and has subscribed to monitoring, further understanding and as deemed applicable, enforcing the timely submissions of EC's self-monitoring reports or alternately documenting the reason for any non-conformance(s) YTD by no later than 10/31/21.</p> <p><b>District's Conformance Initiative:</b> Furthermore, the District will review Year 2021 NOV's and all letters of response as submitted by the permittees to further ensure as consistent with provision 13.13.5.04.11 that all self-monitoring reporting requirements are being fulfilled.</p> <p><b>Supporting Documentation:</b> 5.3(b)_Elect_Ctg_NOV_Response 5.3(b)_Electric_Coating_Inspection_Meeting_Minutes 5.3(b)_Districts_Response_to_EC_No_Self_Monitoring_Reporting</p>	
6.0	<b>Compliance Monitoring: Chronic SNC Violations</b>
<p><b>Issue:</b> ECSD significant noncompliance (SNC) determination only accounts for SNC under technical review criteria. It does not account for chronic SNC violations. 40 CFR 403.8(f)(2)(viii)</p> <p><b>Summary Description of Non-Conformance:</b> ECSD issued a NOV to Linde on January 4, 2021 for a daily maximum zinc violation on December 20, 2020. The zinc result also exceeded the monthly average limitation. This was not included in the NOV. 40 CFR 403.8(f)(5)</p>	

**Regulatory Citation:**

*Pursuant to 40 CFR 403.8(f)(2)(viii), comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:*

*(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);*

*(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);*

*(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);*

*(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;*

*(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;*

*(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;*

*(G) Failure to accurately report noncompliance;*

*(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.*

*Pursuant to 40 CFR 403.8(f)(5), the POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:*

*(i) Describe how the POTW will investigate instances of noncompliance;*

*(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;*

*(iii) Identify (by title) the official(s) responsible for each type of response;*

*(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).*

**Non-Conformance Related Rebuttal:** As consistent with 40 CFR 403.8(f)(2)(viii) and 40 CFR 403.8(f)(5), the District has developed an

Enforcement Response Plan (ERP), which further defines enforcement related action as also associated to the determination of a chronic violation. The District must enforce pretreatment program requirements on a strict liability basis. As such, every instance of noncompliance with the District's Sewer User Ordinance (SUO), regardless of fault, negligence, or intent, is a violation of the SUO that subjects the industrial user to enforcement. However, while every instance of noncompliance may be a violation, all violations will not be met with the same initial enforcement response. The primary role of the Compliance Manager is to ensure that the ERP is followed in a timely and consistent manner. The Enforcement Response Guide (ERG) designates several enforcement options for each type of noncompliance. The intent of the ERG is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors that will be evaluated when determining the appropriate response as follows:

- Compliance history of the IU
- Previous success of any prior enforcement actions against the IU
- Magnitude of violation
- Duration of violation
- Violation's effect on the environment and/or public health
- Violation's effect on the POTW

Any violation that results in Significant Noncompliance (SNC) will be addressed through formal action regardless of the enforcement response otherwise required by the ERG. The minimum level of enforcement used to address a SNC is the issuance of an Administrative Order (AO). Per Section 13.13.6.13 of the SUO, the District will publish annually for public notice, a list of the IUs which, at any time during the previous 12 months, were determined to be SNC.

The following categories of SNC of IUs shall be subject to enforcement actions initiated by the District.

- Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six month period exceed, by any magnitude, a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l).
- Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC equals 1.4 biochemical oxygen demand, total suspended solids, and fats, oil and grease and 1.2 for all other pollutants except pH).
- Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through violations, including endangering the health of POTW personnel or the general public.
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the District's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge.
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or AO for starting construction, completing construction, or attaining final compliance.
- Failure to provide, within 30 days after the due date, required reports such as:
  - Baseline monitoring reports
  - 90-day compliance reports
  - Periodic self-monitoring reports; and
  - Progress reports on compliance in accordance with AO schedules
- Failure to accurately report noncompliance
- Any other violation or group of violations (which may include a violation of best management practices) that the District determines will adversely affect the operation or implementation of the approved District's pretreatment program.

Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

Violations that fall under more than one category in the enforcement response guide will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

**Achievement of Continued Conformance:** As the ERP was last revised on 3/11/16, the District will review and as applicable, update and bring the ERP into conformance. Furthermore and as the Compliance Manager's position within the District is currently vacant, the daily task of determining how certain violations should be characterized will be pursued by the Pretreatment Coordinator.

**District's Conformance Initiative:** The District will continue to address all non-conformances, further characterizing and accounting for both technical and chronic violations. The District will also initiate its review of the ERP and as deemed necessary, update the plan by 12/31/21.

**Supporting Documentation:**

6.0\_ECSD\_Enforcement\_Response\_Plan\_Enforcement\_Section

**7.0**

**Compliance Monitoring: Submission of Annual Report**

**Issue:** 40 CFR 403.12(i) and Part III.A.8 of ECSD's NPDES permit requires the District to submit an annual report to IDEM's Pretreatment Group and EPA Region 5 by April 1 of each year.

**Summary Description of Non-Conformance:** The 2020 annual report has not been received.

**Achievement of Continued Conformance:** The District remains cognizant of the fact that the 2020 annual report remains delinquent as the responsibility to immediately finalize and submit the report falls upon the newly appointed Director.

**District's Conformance Initiative:** The District will strive to deliver the Year 2020 annual report by 12/31/21 or sooner.

**BEGIN East Chicago Sanitation District (ECSD) Response to USEPA's Listing of Non-Conformances**

**8.0**

**Compliance Mechanism: Statement of Non-Transferability**

**Issue:** The statement of non-transferability in Permit 901 does not include a requirement to provide a copy of the existing permit to the new owner.

**Regulatory Citation:**

40 CFR §403.8(f)(1)(iii)(B)(2), *Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;*

**Achievement of Continued Conformance:** The District has noted the stated issue as listed within Standard Conditions, A. General Conditions and Definitions, 6. Limitation on Permit transfer, will be modified to further include the following language: *and providing a copy of the existing permit to the new owner or operator.*

**District's Conformance Initiative:** The District will notify Safety Kleen of this change requirement and revise the permit in accordance to 40 CFR §403.8(f)(1)(iii)(B)(2). The District will further review all permits and as deemed necessary, make the required changes as consistent with the aforementioned citation. This change requirement will occur by no later than 11/30/21.

**Supporting Documentation:** 8.0\_Safety\_Kleen\_Permit\_Limitation\_Of\_Permit\_Transfer

**9.0****Compliance Monitoring: Multiple Categorizations Listed**

**Issue:** Permit 901 includes multiple categorizations.

**Summary Description of Non-Conformance:** The applicable categorization is not clear:

- Page 1 of the permit authorizes Safety-Kleen to discharge waste streams under 40 CFR §437.47 (Pretreatment Standards for new sources, Subpart D-Multiple Waste streams, Centralized Waste Treatment Point Source Category).
- Page 3 of the permit includes a table of two different categorical limits:
  - 40 CFR §437.25 (Pretreatment Standards for existing sources, Subpart B-Oils Treatment and Recovery): and
  - 40 CFR §442.25 (Pretreatment Standards for existing sources, Subpart B-Rail Tank Cars Transporting Chemical and Petroleum Cargos, Transportation Equipment Cleaning Point Source Category)
    - Note: Under 40 CFR §437.1(b)(10), onsite wastewater generated from cleaning transportation equipment, along with wastewater not subject to cleaning transportation equipment is subject to 40 CFR Part 437.

**Regulatory Citation:**

40 CFR §403.8(f)(2)(iii), *Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.*

**Pursuant to 40 CFR 437.25**, Except as provided in 40 CFR 403.7, 403.13 or §437.20(b), and no later than December 22, 2003, any existing source subject to this subpart must achieve the following pretreatment standards:

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
<b>Metal Parameters</b>		
Chromium	0.947	0.487
Cobalt	56.4	18.8
Copper	0.405	0.301
Lead	0.222	0.172
Tin	0.249	0.146
Zinc	6.95	4.46
<b>Organic Parameters</b>		
Bis(2-ethylhexyl) phthalate	0.267	0.158
Carbazole	0.392	0.233
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925
(1) mg/L (ppm)		

**As pursuant to 40 CFR 437.47, Pretreatment standards for new sources (PSNS).**

(a) Except as provided in 40 CFR 403.7 or §437.40(b), any new source subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory pretreatment standards representing the application of PSNS set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its permit:

(1) The discharger will meet the applicable Multiple Wastestream Subcategory standards set forth in paragraphs (b), (c), (d) or (e) of this section;

(2) The discharger will notify its local control authority at the time of submitting its application for an individual control mechanism or pretreatment agreement of its desire to be subject to Multiple Waste Subcategory by submitting to the local control authority an initial

certification statement as described in §437.41(a);

(3) The discharger will submit to its local control authority a periodic certification statements as described in §437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in §437.41(c).

(b) Combined waste receipts from subparts A, B and C of this part. (1) As provided in §437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

**Pretreatment Standards (PSNS)**

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
<b>Metal Parameters</b>		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
<b>Organic Parameters</b>		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
O-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
2,4,6-Trichlorophenol	0.155	0.106
(1) mg/L (ppm)		

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

**In-Plant Limitations**

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
Cyanide	500	178
(1) mg/L (ppm)		

(c) *Combined waste receipts from subparts A and B of this part.* (1) As provided in §437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

**Pretreatment Standards (PSNS)**

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
<b>Metal Parameters</b>		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
<b>Organic Parameters</b>		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
(1) (mg/L (ppm))		

(d) *Combined waste receipts from subparts A and C of this part.* (1) As provided in §437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

**Pretreatment Standards (PSNS)**

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
<b>Metal Parameters</b>		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124
Copper	4.14	1.06
Lead	1.32	0.283
Mercury	0.00234	0.000739



Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
<b>Organic Parameters</b>		
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
2,4,6-Trichlorophenol	0.155	0.106
(1) (mg/L (ppm))		

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

#### In-Plant Limitations

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
Cyanide	500	178
(1) mg/L (ppm)		

(e) Combined waste receipts from subparts B and C of this part. As provided in §437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

#### Pretreatment Standards (PSNS)

Regulated Parameter	Maximum Daily (1)	Maximum Monthly Avg. (1)
<b>Metal Parameters</b>		
Chromium	0.746	0.323
Cobalt	56.4	18.8
Copper	0.500	0.242
Lead	0.350	0.160
Tin	0.335	0.165
Zinc	8.26	4.50
<b>Organic Parameters</b>		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
2,4,6-Trichlorophenol	0.155	0.106
(1) mg/L (ppm)		

**Pursuant to §442.25 Pretreatment standards for existing sources (PSES).**

(a) Except as provided in 40 CFR 403.7 and 403.13 or in paragraph (b) of this section, no later than August 14, 2003 any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must achieve PSES as follows:

**Table—Pretreatment Standards'**

Regulated Parameter	Maximum Daily (1)
Non-polar material (SGT-HEM)	26
Fluoranthene	0.076
Phenanthrene	0.34

b) As an alternative to achieving PSES as defined in paragraph (a) of this section, any existing source subject to paragraph (a) of this section may have a pollution prevention allowable discharge of wastewater pollutants, as defined in §442.2, if the source agrees to a control mechanism with the control authority as follows:

(1) The discharger shall prepare a Pollutant Management Plan that satisfies the requirements as specified in paragraph (b)(5) of this section, and the discharger shall conduct its operations in accordance with that plan.

(2) The discharger shall notify its local control authority prior to renewing or modifying its individual control mechanism or pretreatment agreement of its intent to achieve the pollution prevention allowable discharge pretreatment standard by submitting to the local control authority a certification statement of its intent to utilize a Pollutant Management Plan as specified in paragraph (b)(1) of this section. The certification statement must be signed by the responsible corporate officer as defined in 40 CFR 403.12(l);

(3) The discharger shall submit a copy of its Pollutant Management Plan as described in paragraph (b)(1) of this section to the appropriate control authority at the time he/she applies to renew, or modify its individual control mechanism or pretreatment agreement; and

(4) The discharger shall maintain at the offices of the facility and make available for inspection the Pollutant Management Plan as described in paragraph (b)(1) of this section.

(5) The Pollutant Management Plan shall include:

(i) Procedures for identifying cargos, the cleaning of which is likely to result in discharges of pollutants that would be incompatible with treatment at the POTW;

(ii) For cargos identified as being incompatible with treatment at the POTW, the Plan shall provide that heels be fully drained, segregated from other wastewaters, and handled in an appropriate manner;

(iii) For cargos identified as being incompatible with treatment at the POTW, the Plan shall provide that the tank be prerinsed or presteamed as appropriate and the wastewater segregated from wastewaters to be discharged to the POTW and handled in an appropriate manner, where necessary to ensure that they do not cause or contribute to a discharge that would be incompatible with treatment at the POTW;

(iv) All spent cleaning solutions, including interior caustic washes, interior presolve washes, interior detergent washes, interior acid washes, and exterior acid brightener washes shall be segregated from other wastewaters and handled in an appropriate manner, where necessary to ensure that they do not cause or contribute to a discharge that would be incompatible with treatment at the POTW;

(v) Provisions for appropriate recycling or reuse of cleaning agents;

(vi) Provisions for minimizing the use of toxic cleaning agents (solvents, detergents, or other cleaning or brightening solutions);

- (vii) Provisions for appropriate recycling or reuse of segregated wastewaters (including heels and prerinse/pre-steam wastes);
- (viii) Provisions for off-site treatment or disposal, or effective pre-treatment of segregated wastewaters (including heels, prerinse/pre-steam wastes, spent cleaning solutions);
- (ix) Information on the volumes, content, and chemical characteristics of cleaning agents used in cleaning or brightening operations; and
- (x) Provisions for maintaining appropriate records of heel management procedures, prerinse/pre-steam management procedures, cleaning agent management procedures, operator training, and proper operation and maintenance of any pre-treatment system;

**Achievement of Continued Conformance:** The District will initiate a meeting with Safety Kleen in order to discuss, further consider and accurately identify the correct categorization.

**District's Conformance Initiative:** The District plans to achieve conformance by no later than 12/31/21.

<b>10.0</b>	<b>Compliance Monitoring: Monthly Categorization Limits Missing</b>
<p><b>Issue:</b> Page 3 of Permit 901 only includes daily categorical limits. Monthly categorical limits are not included.</p> <p><b>Regulatory Citation:</b> Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(3), Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;</p> <p><b>Achievement of Continued Conformance:</b> As based upon the results of 9.0 (Multiple Categorization Limits), the District will then include the correct monthly categorical limits.</p> <p><b>District's Conformance Initiative:</b> The District will complete this task by no later than 11/30/21.</p> <p><b>Supporting Documentation:</b> 10.0_Monthly_Categorization_Safety_Kleen</p>	
<b>11.0</b>	<b>Compliance Monitoring: Monitoring Waiver Provision</b>
<p><b>Issue:</b> Permit 901 does not describe the required process to seek a monitoring waiver for pollutants not present nor expected to be present.</p> <p><b>Regulatory Citation:</b> Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;</p> <p><b>Achievement of Continued Conformance:</b> The District will modify the permit to include language which is consistent with the requirements set forth within 40 CFR §403.8(f)(1)(iii)(B)(4).</p> <p><b>District's Conformance Initiative:</b> The District will also complete this task by no later than 11/30/21.</p>	
<b>12.0</b>	<b>Compliance Monitoring: Nebulous Symbolism</b>
<p><b>Issue:</b> The required IU sample frequency in Permit 901 is "≤1/6 months", or less than or equal to once every six months.</p> <p><b>Summary Description of Non-Conformance:</b> This requirement gives Safety-Kleen the discretion to submit sample analysis reports to ECSD less than once every six months (as required in 40 CFR §403.12(e)(1)).</p> <p><b>Regulatory Citation:</b> Pursuant to 40 CFR §403.8(f)(2)(iv), Receive and analyze self-monitoring reports and other notices submitted by</p>	

*Industrial Users in accordance with the self-monitoring requirements in § 403.12;*

*40 CFR §403.12(e)(1), Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in § 403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted. For Industrial Users for which EPA or the authorized state, tribe, or territory is the Control Authority, as of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports submitted in compliance with this section must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR part 127, the Industrial Users for which EPA or the authorized state, tribe, or territory is the Control Authority may be required to report electronically if specified by a particular control mechanism or if required to do so by state law.*

**Achievement of Continued Conformance:** As pursuant to the District's response to IDEM's citation (please reference Compliance Monitoring – Usage of Certain Symbols – 3.9), the District will convert the nebulous symbolism so as to eradicate the potential for any misunderstandings.

**District's Conformance Initiative:** The District will also complete this task by no later than 11/30/21.

### 13.0

### Compliance Monitoring: Alternate Sampling Requirements

**Issue:** ECSD did not document its decision to allow alternate sampling.

**Summary Description of Non-Conformance:** The following sample requirements in Permit 901 are not in line with requirements under 40 CFR §403.12(g)(3):

- Page 6: requirement for composite samples to be time proportional and
- Page 6: requirement to take phenol composite samples

**Regulatory Citation:**

*Pursuant to CFR §403.12(g)(3), The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.*

*Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control*

mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

**District's Conformance Initiative(s):** As similar to the District's response to IDEM's citation (please reference Compliance Monitoring – Phenol Sample Collections – 3.4), the District is cognizant of the noted sampling requirement variances and has immediately initiated two pathways towards correcting its phenol sampling types/techniques. The first pathway is to initiate action to modify Safety Kleen's permit in order to reflect the correct phenol sampling type/technique. The second pathway is to immediately apprise the Pre-Treatment Assistant of the change phenol sampling practices. The District will also review, revise and further advise all industrial user permittee(s) of the changed sampling practices for phenol related sampling requirements. Finally and relative to the sample type, the District will revisit its decision to require a 24-hour composite sample type as the associated footnotes, which are listed on page 6 as being 1 and 2, as they are redundant listings and potentially misleading.

**Status of Non-Conformance:** Relative to this non-conformance, the District will collectively review all existing permits and as applicable, will make the necessary corrections relative to sample type 11/30/21.

**Supporting Documentation:**

13.0\_Alternate\_Sampling\_Requirements\_Footnotes

**14.0**

**Compliance Monitoring: Reporting Requirement**

**Issue:** Page 8 of Permit 901 requires Safety-Kleen to report the total monthly discharge flow each month (separate from self-monitoring reports), instead of requiring Safety-Kleen to include flow data in self-monitoring reports , as required by 40 CFR §403.12(e)(1) and §403.12(g)(1).

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(2)(iv), Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in §403.12.*

*Pursuant to 40 CFR §403.12(e)(1), Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in §403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted. For Industrial Users for which EPA or the authorized state, tribe, or territory is the Control Authority, as of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports submitted in compliance with this section must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR part 127, the Industrial Users for which EPA or the authorized state, tribe, or territory is the Control Authority may be required to report electronically if specified by a particular control mechanism or if required to do so by state law.*

*Pursuant to 403.12(g)(1), Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance*

certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

**Non-Conformance Related Rebuttal:** The District respectfully challenges the interpretation of the applicable language as the 403.12.(g)(1) suggests, ...the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority... as the term “reports” is a plural term which is suggesting that more than one report will be submitted to the District.

**Status of Non-Conformance:** Unless USEPA lends added clarification, the District will continue to require SIUs to provide separate reports.

#### 15.0

#### Compliance Monitoring: Report Submission Requirement

**Issue:** Page 8 of Permit 901 requires self-monitoring reports to be submitted in an electronic deliverable format.

**Summary Description of Non-Conformance:** Mr. Myers, Director of Wastewater Operations, stated that ECSD included this requirement because it considered having its IUs to submit self-monitoring reports electronically. ECSD, however, decided against this requirement.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;*

**Non-Conformance Related Rebuttal:** The District respectfully submits its preference for the permittee to continue electronically submitting self-monitoring reports in electronic deliverable format.

**Status of Non-Conformance:** Unless USEPA lends added clarification, the District will continue to require electronic submissions of self-monitoring reports.

#### 16.0

#### Compliance Monitoring: Records Transparency

**Issue:** Permit 901 does not include a requirement for Safety Kleen to make pretreatment records available to ECSD and EPA for review and copying.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;*

*§403.12(e)(2)The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:*

**Non-Conformance Related Rebuttal:** Upon reviewing 40 CFR §403.8(f)(1)(iii)(B)(4) and 40 CFR §403.12(e)(2) and as the District remains highly receptive to maintaining an environment of unconditional transparency, Permit 901 does include the following language within the Standard Conditions, C. Monitoring and Records, 4. Record Retention: Per Article 13.13.8.01 all Dischargers subject to the reporting requirements of this ordinance shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the IU independent of such requirements, and documentation associated with Best Management Practices. Records shall

include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the IU or the District, or where the IU has been specifically notified of a longer retention period by the District.

**District's Conformance Initiative(s):** As deemed further necessary by USEPA, the District remains receptive to modifying the record retention related requirement to include language which will more specifically address the need to make pretreatment related records available.

**Status of Non-Conformance:** Unless USEPA lends added clarification, the District considers the current record retention related language encompasses the requirement by the industrial user to make any/all requested records available.

**Supporting Documentation:**

16.0\_Record\_Retention\_Related\_Requirements

**17.0**

**Compliance Monitoring: Alternate Categorical Requirements**

**Issue:** ECSD did not use the categorical waste stream formula (40 CFR 403.6(e)) to determine alternative categorical limits for Permit 901.

**Summary Description of Non-Conformance:** Permit 901 authorizes Safety Kleen to discharge dilute streams (sanitary and non-contact cooling water) from its sampling location.

**Regulatory Citation:**

*Pursuant to 40 CFR 403.6(e), Combined wastestream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.*

40 CFR §403.8(f)(2)(iii), Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

**District's Conformance Initiative(s):** The District will meet with Safety Kleen and determine if alternate categorical limits are applicable.

**Status of Non-Conformance:** The District seeks to complete this task by 11/30/21.

**18.0**

**Compliance Monitoring: Significant Change Notification**

**Issue:** Permit 901 does not include a requirement to notify ECSD about a significant change in discharge under 40 CFR 403.12(j).

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(4), Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this*



chapter, categorical Pretreatment Standards, local limits, and State and local law;

**District's Conformance Initiative(s):** Similar to IDEM's citation (please reference, Control Mechanisms – Significant Change Notification-3.2) the District has included the Significant Change notification related language within Linde's reissued permit. Furthermore and relative to all active permits, the District will further modify these permits to include the Significant Change notification language.

**Status of Non-Conformance:** Conformance will be achieved by 11/30/21.

**Supporting Documentation:**

See: 3.2\_Linde\_Rare\_Gases\_Permit\_Significant\_Change\_Notice\_Inclusion

**19.0**

**Compliance Monitoring: Slug Discharge Control Plan**

**Issue:** Permit 901 does not require Safety Kleen to follow its slug discharge control plan.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(1)(iii)(B)(6), Requirements to control Slug Discharges, if determined by the POTW to be necessary.*

**Non-Conformance Rebuttal:** Similar to IDEM'S citation (please reference, Control Mechanisms – Slug Plan Inclusion), the District has and continues to include within all permit issuances and permit renewals, Slug Plan related language as listed within the section entitled Effluent Limitations, General Provisions, as captured within items 7 and 11. In addition and as listed within the District's Industrial Pretreatment Inspection form, the District's Inspector during an Inspection Meeting inquires as to 1) the applicability of a Spill Prevention Countermeasure Plan (SPCC) and the applicability of a Slug Plan. As applicable, the Inspector further inquires as to the 1) the applicability of the SPCC and/or Slug Plan, 2) whether the SPCC and/or the Slug Plan is on file and 3) whether the SPCC and/or the Slug Plan is adequate and if not, 4) an explanation as to the reason why the SPCC and/or the Slug Plan is deficient. Also and as consistent with 40 CFR 403.8(f)(2)(vi) and 40 CFR 403.12(f), the city's ordinance number 18-0017, "An Ordinance to Amend and Restate the City of East Chicago Sewer User Ordinances and Regulations", further provides within provision 13.13.3.01.1 Discharge Prohibitions. (a) General Prohibitions chapter, the following language: No User shall contribute, introduce or cause to be introduced, discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District which causes Pass Through or Interference. These General Prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements...

There are also Specific Prohibitions which further states: No User shall contribute, introduce, cause to be introduced, discharge or cause to be discharged, directly or indirectly any of the following described substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District: ...(7) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

In addition and as detailed within the ordinances Reporting Requirements chapter, provision 13.13.5.04.5. Spill/Slug Load Control Plans; In each case where the District has required an industrial user to file a spill/slug control plan, such SIU shall submit to the District, on a biennial basis, a plan for the prevention of slug loads or accidental discharges of substances to the POTW. Each SIU shall notify the District immediately of any changes at its facility affecting the Spill Control Plan or the potential for a slug discharge. Said plan shall contain no less than the following: (a) a description of discharge practices, including non-routine batch discharges, (b) a description of all chemicals stored on site, (c) a procedure for immediately notifying the District in the event of a slug load or other accidental discharge, with procedures for follow-up written notification within five days of the event and (d) procedures to prevent adverse impact from accidental or slug discharges, including but not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response...

Furthermore, provision 13.13.5.04.08, Reports of Changed Conditions, each IU must notify the District of any significant changes to the IU's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change...

Also and as noted within provision 13.13.5.04.9, Reports of Potential Problems related chapter, requires as follows; (a) In the case of any

discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the IU shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known and corrective actions taken by the IU, (b) within five (5) days following such discharge, the IU shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter, (c) a notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure and (d) SIUs are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

**District's Conformance Initiative(s):** In furtherance to the various slug control and/or significant change notification requirements as listed within 1) the applicable permit and 2) city ordinance number 18-0017 (Sewer User Ordinances and Regulations), please be further advised that the annual Inspection Meeting also provides a forum to serve notice upon all industrial users to immediately notify the District of any type of operational excursion which can serve to negatively impact wastewater treatment operations. Also, the data reported by the industrial user within the Monthly Discharge Volume reports and as utilized during the Inspection Meeting will further serve to 1) initiate added discussion concerning the industrial user monthly wastewater related discharges, 2) to further emphasize the need for the discharger to immediately notify the District of a slug discharge and 3) to prompt the District as deemed necessary, to exercise the right to conduct an unannounced inspection (13.13.5.05) in order to review production records, assess and determine if the permittee remains in conformance with the spill/slug load control plans (13.13.5.04.5).

**Status of Non-Conformance:** Conformance to be achieved by no later than 11/30/21.

**Supporting Documentation:**

See: 3.1\_CM\_Slug\_Plan\_Inclusion\_City\_Ordinance

See: 3.1\_Significant\_Change\_Notification\_Within\_Applicable\_Permit

See: 3.1\_Slug-Plan\_Control\_Mechanism\_Within\_Applicable\_Permit

See: 3.1\_Inspection\_Report\_Documentation\_of\_Significant\_Discharge

**20.0(a)**

**Control Authority Compliance Monitoring: No Inspection Report**

**Issue:** The Safety Kleen IU file does not include an ECSD inspection report for 2020.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(2)(v), Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:*

**Achievement of Continued Conformance:** Similar to IDEM's citation (please reference, Compliance Monitoring – SIU Compliance Inspections – 5.2a) and as the District continues to recognize that annual inspections of all SIUs is required, the District further acknowledges that it cannot demonstrate the relevant inspection records which would serve to confirm during the period of time in question, the annual inspection requirement was in fact performed. Furthermore and since the recent hire of the new Pre-Treatment Coordinator, establishing the prioritization of the inspection meeting has been his first order of business as 100% of all permitted users will have been inspected by no later than 10/31/21.

**District's Conformance Initiative:** Compliance inspections of all SIUs for Year 2021 will be completed by no later than the close of 10/31/21.

**Supporting Documentation:**

See: 5.0\_Inspection\_Meetings

20.0(b)	Control Authority Compliance Monitoring: Sample Collection Location																				
<p><b>Issue:</b> According to ECSD’s November 14, 2019 inspection report for Safety Kleen, Safety Kleen and ECSD do not collect samples at the same location.</p> <p><b>Regulatory Citation:</b> <i>Pursuant to 40 CFR §403.8(f)(2)(v), Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:</i></p> <p><b>Non-Conformance Rebuttal:</b> The District errantly suggested within the 11/14/19 inspection report that the sample collection location are not one and the same. In fact, the District and the permittee’s sample collect at the same location.</p> <p><b>Supporting Documentation:</b> 20.0(b)_Safety_Kleen_Permit_ID_of_Sample_Collection_Location</p>																					
21.0	Control Authority Compliance Monitoring: Non-Issuance of Notice of Violation																				
<p><b>Issue:</b> ECSD did not issue Notices of Violation to Safety Kleen for exceedances found through self-monitoring.</p> <p><b>Summary Description of Non-Conformance:</b> Below is a list of self-reported exceedances:</p> <table><tr><th>Report Date</th><th>Sample Date</th><th>Pollutant Parameter</th><th>Pretreatment Limit (mg/L)</th><th>Analytical Result (mg/L)</th></tr><tr><td>06/17/20</td><td>05/29/20</td><td>Available cyanide</td><td>0.019</td><td>0.330</td></tr><tr><td>06/12/20</td><td>06/10/20</td><td>Available cyanide</td><td>0.019</td><td>0.810</td></tr><tr><td>06/09/20</td><td>05/29/20</td><td>Available cyanide</td><td>0.019</td><td>0.330</td></tr></table> <p><b>Regulatory Citation:</b> <i>40 CFR §403.8(f)(5), Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;</i></p> <p><b>Achievement of Continued Conformance:</b> The District regrettably neglected to review the permittee’s self-monitoring reports during the period of investigation and subsequently issue as applicable, the required notice(s) of violation. Furthermore and as previously suggested within the District’s response to 5.2(a), the recent hiring of the new Pre-Treatment Coordinator, whose demonstrated drive to re-establish a renewed and continued vigor towards achieving full conformance to the various Pretreatment compliance requirements, which further includes timely reviewing self-monitoring reports as submitted by this and any other categorical permittee has become his mandate.</p> <p><b>District’s Conformance Initiative:</b> Effective immediately and by no later than 10/31/21, the District has initiated action to timely review and as deem applicable, initiate action to issue the notice of violation for any self-monitored and reported exceedances.</p>		Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)	06/17/20	05/29/20	Available cyanide	0.019	0.330	06/12/20	06/10/20	Available cyanide	0.019	0.810	06/09/20	05/29/20	Available cyanide	0.019	0.330
Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)																	
06/17/20	05/29/20	Available cyanide	0.019	0.330																	
06/12/20	06/10/20	Available cyanide	0.019	0.810																	
06/09/20	05/29/20	Available cyanide	0.019	0.330																	
22.0	Control Authority Compliance Monitoring: Lack of Chronic SNC Violations																				
<p><b>Issue:</b> ECSD’s significant noncompliance (SNC) determination only accounts for SNC under technical review criteria (TRC). It does not account for chronic SNC violations.</p> <p><b>Regulatory Citation:</b> <i>Pursuant to 40 CFR §403.8(f)(2)(viii), Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:</i></p>																					

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

**Non-Conformance Rebuttal:** Similar to IDEM's citation, (please reference, Compliance Monitoring – Chronic SNC Violations – 6.0) and as consistent with 40 CFR 403.8(f)(2)(viii) and 40 CFR 403.8(f)(5), the District has developed an Enforcement Response Plan (ERP), which further defines enforcement related action as also associated to the determination of a chronic violation. The District must enforce pretreatment program requirements on a strict liability basis. As such, every instance of noncompliance with the District's Sewer User Ordinance (SUO), regardless of fault, negligence, or intent, is a violation of the SUO that subjects the industrial user to enforcement. However, while every instance of noncompliance may be a violation, all violations will not be met with the same initial enforcement response. The primary role of the Compliance Manager is to ensure that the ERP is followed in a timely and consistent manner. The Enforcement Response Guide (ERG) designates several enforcement options for each type of noncompliance. The intent of the ERG is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors that will be evaluated when determining the appropriate response as follows:

- Compliance history of the IU
- Previous success of any prior enforcement actions against the IU
- Magnitude of violation
- Duration of violation
- Violation's effect on the environment and/or public health
- Violation's effect on the POTW

Any violation that results in Significant Noncompliance (SNC) will be addressed through formal action regardless of the enforcement response otherwise required by the ERG. The minimum level of enforcement used to address a SNC is the issuance of an Administrative Order (AO). Per Section 13.13.6.13 of the SUO, the District will publish annually for public notice, a list of the IUs which, at any time during the previous 12 months, were determined to be SNC.

The following categories of SNC of IUs shall be subject to enforcement actions initiated by the District.

- Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six month period exceed, by any magnitude, a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l).
- Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement

including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC equals 1.4 biochemical oxygen demand, total suspended solids, and fats, oil and grease and 1.2 for all other pollutants except pH).

- Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through violations, including endangering the health of POTW personnel or the general public.
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the District's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge.
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or AO for starting construction, completing construction, or attaining final compliance.
- Failure to provide, within 30 days after the due date, required reports such as:
  - Baseline monitoring reports
  - 90-day compliance reports
  - Periodic self-monitoring reports; and
  - Progress reports on compliance in accordance with AO schedules
- Failure to accurately report noncompliance
- Any other violation or group of violations (which may include a violation of best management practices) that the District determines will adversely affect the operation or implementation of the approved District's pretreatment program.

Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

Violations that fall under more than one category in the enforcement response guide will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

**Achievement of Continued Conformance:** As the ERP was last revised on 3/11/16, the District will review and as applicable, update and bring the ERP into conformance. Furthermore and as the Compliance Manager's position within the District is currently vacant, the daily task of determining how certain violations should be characterized will be pursued by the Pretreatment Coordinator.

**District's Conformance Initiative:** The District will continue to address all relevant non-conformances, further characterizing and accounting for both technical and chronic violations. The District will also initiate its review of the ERP and as deemed necessary, update the plan by 12/31/21.

**Supporting Documentation:**

See: 6.0\_ECSD\_Enforcement\_Response\_Plan\_Enforcement\_Section

**23.0**

**Control Authority Compliance Monitoring: Public Posting of SNC Violation**

**Issue:** ECSD did not publish Safety Kleen for SNC violations committed in 2020

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(2)(viii), Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:*

*(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken*

for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

**Achievement of Continued Conformance:** During Year 2020, the District regrettably neglected to publish Safety Kleen for SNC related violations during Year 2020. Furthermore and as previously suggested within the District's response to 21.0 (please reference, Control Authority Compliance Monitoring – Non-Issuances of NOV) the recent hiring of the new Pre-Treatment Coordinator, whose demonstrated drive to re-establish a renewed vigor towards achieving full conformance of the various Pretreatment compliance requirements, will further include the timely publication within a local newspaper of those permittees which have been found to be significant chronic violators of the applicable pretreatment standards.

**District's Conformance Initiative:** The District will ensure that YEAR 2021's publication of those permittees which are identified as being significant non-conformers relative to the pretreatment standards is achieved by no later than 12/31/21.

## 24.0

## Control Authority Compliance Monitoring: Lack of Enforcement Escalation

**Issue:** ECSD has not escalated enforcement for repeated exceedances.

**Summary Description of Non-Conformance:** ECSD continually issues Notices of Violation (NOV) for mercury and available cyanide violations. Below is a list of NOV's ECSD issued to Safety Kleen:

Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)
06/03/21	05/10/21	available cyanide	0.019	0.13
		mercury	0.0002	0.0005
05/17/21	04/28/21	available cyanide	0.019	0.12
		mercury	0.0002	0.0007
04/19/21	03/29/21	available cyanide	0.019	0.048
04/04/21	04/12/21	available cyanide	0.019	0.28
		Oil and grease	117	160
		phenol	0.6	4.91
03/31/21	03/17/21	available cyanide	0.019	0.30
03/01/21	02/11/21	available cyanide	0.019	0.10
02/17/21	01/27/21	available cyanide	0.019	0.12

01/28/21	01/12/21	available cyanide	0.019	0.22
		Ammonia	134	336
12/15/20	11/5/20	available cyanide	0.019	0.043
11/13/20	10/27/20	available cyanide	0.019	0.27
		mercury	0.0002	0.00032
		Oil and grease	117	278
10/28/20	10/12/20	available cyanide	0.019	0.21
10/15/20	09/28/20	available cyanide	0.019	0.16
		phenols	0.96	16.60
		pH	5 to 10	11.7
09/28/20	09/10/20	available cyanide	0.019	0.14
09/08/20	08/20/20	available cyanide	0.019	0.11
08/27/20	08/12/20	available cyanide	0.019	0.22
		mercury	0.0002	0.00031
07/31/20	7/15/20	available cyanide	0.019	0.23
06/01/20	05/21/20	available cyanide	0.019	0.030
04/27/20	04/13/20	available cyanide	0.019	0.077
		mercury	0.0002	0.00045
04/16/20	03/30/20	available cyanide	0.019	0.082
03/27/20	03/19/20	available cyanide	0.019	0.12
03/16/20	02/25/20	available cyanide	0.019	0.12
02/28/20	02/12/20	available cyanide	0.019	0.15
		Bis(2-ethylhexyl)phthalate	0.267	0.66
01/27/20	01/14/20	available cyanide	0.019	0.23
		phenols	0.96	2.74
10/31/19	10/16/19	available cyanide	0.019	0.078
10/01/19	09/12/19	available cyanide	0.019	0.32
09/16/19	08/29/19	available cyanide	0.019	0.12
08/14/19	07/29/19	available cyanide	0.019	0.16
08/05/19	07/17/19	available cyanide	0.019	0.27
07/08/19	06/24/19	available cyanide	0.019	0.078
07/02/19	06/17/19	available cyanide	0.019	0.055
06/12/19	05/23/19	available cyanide	0.019	0.0650
		mercury	0.0002	0.0004
04/23/19	04/15/19	available cyanide	0.019	0.13
04/05/19	03/26/19	available cyanide	0.019	0.46
04/04/19	03/26/19	Oil and grease	117	118
		mercury	0.0002	0.0004
03/05/19	02/25/19	available cyanide	0.019	0.099
03/05/19	02/25/19	available cyanide	0.019	0.120

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(5), The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:*

*(i) Describe how the POTW will investigate instances of noncompliance;*

*(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;*



(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

**Achievement of Continued Conformance:** As consistent with 40 CFR §403.8(f)(5)(ii) and (iii), the District has utilized its discretion in determining which types of repeated violations will be subject to enforcement escalation. Furthermore and as consistent with the District's response to citation number 22 (Control Authority Compliance Monitoring – Lack of Chronic SNC Violations), the District will review and as applicable, revise the Enforcement Response Plan and Guide to more specifically address and cite certain repeated exceedances.

**District's Conformance Initiative:** The District will review the Enforcement Response Plan by no later than 12/31/21 and as deemed appropriate, move to revise the plan to allow for escalated enforcement relative to repeated violations.

**Supporting Documentation:**

24.0\_ERP\_Enforcement\_Sections

**25.0(a)**

**Industrial User Self-Monitoring: Lack of Self-Monitoring Reports**

**Issue:** ECSD does not require Safety Kleen to submit self-monitoring reports as required under 40 CFR §403.12.

**Summary Description of Non-Conformance:** Self-monitoring reporting deficiencies are listed below:

- Under Safety Kleen's reporting schedule, Safety Kleen should have provided a semi-annual report in December 2020. ECSD, however, did not provide Safety Kleen's semi-annual report for this period.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(2)(iv), (iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.*

**Non-Conformance Related Rebuttal:** The District does in fact require that this permittee submit self-monitoring reports on a semi-annual basis. As the District regrets its inability to evidence Safety Kleen's December 2020 semi-annual self-monitoring report, the District has timely received the permittee's June 2021 semi-annual self-monitoring report.

**District's Conformance Initiative:** The District will serve notice to the permittee by 11/30/21 and further ensure that the December 2021 and all subsequent semi-annual self-monitoring reports are timely submitted.

**Supporting Documentation:**

25.0(a)\_901\_Self\_Monitoring\_Requirement

25.0(a)\_901\_Semi\_Annual\_Self\_Monitoring\_Submission

**25.0(b)**

**Industrial User Self-Monitoring: Phenol Sample Collection**

**Issue:** Safety Kleen collects composite phenol samples. 40 CFR §403.12(g)(3) requires grab sample for phenol.

**Regulatory Citation:**

*Pursuant to 40 CFR §403.8(f)(2)(iv), (iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.*

*In furtherance 40 CFR §403.12(g)(3), he reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide,*



total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

**Achievement of Continued Conformance:** As similar to the District's response to IDEM's citation (please reference Compliance Monitoring – Phenol Sample Collections – 3.4), the District will correct and further advise all impacted permittees of the correct phenol sampling type.

**District's Conformance Initiative:** The District will complete this task by no later than 11/30/21.

#### 25.0(c)

#### Industrial User Self-Monitoring: Report Certification

**Issue:** Safety Kleen does not certify each report as required under 40 CFR §403.12(l).

#### **Regulatory Citation:**

*Pursuant to 40 CFR §403.12(l), Signatory requirements for Industrial User reports. The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in § 403.6(a)(2)(ii), and shall be signed as follows:*

*(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:*

*(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or*

*(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.*

*In Furtherance to 40 CFR §403.8(f)(2)(iv), Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.*

**Achievement of Continued Conformance:** The District has duly noted this non-conformance and as consistent with the cited regulation, the District will advise this and all permittees of the requirement to certify self-monitoring documentation prior to submission.

**District's Conformance Initiative:** The District will advise all permittees of the certification requirement by 11/30/21 then update USEPA of this advisement.

#### 25.0(d)

#### Industrial User Self-Monitoring: Notification of Discharge Violation

**Issue:** Safety Kleen does not notify ECSD about discharge violations, as required under 40 CFR §403.12(g)(2). Nor does Safety Kleen resample its discharge after each violation.

#### **Regulatory Citation:**

*Pursuant to 40 CFR §403.12(g)(2), If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results*

*of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:*

*(i) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or*

*(ii) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.*

*In furtherance to 40 CFR §403.8(f)(2)(iv), Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.*

**Achievement of Continued Conformance:** The District has duly noted this non-conformance and as consistent with the cited regulation, the District will advise Safety Kleen and all permittees of the requirement to timely notify the District of any self-monitoring discharge violations.

**District's Conformance Initiative:** The District will advise all permittees of this reporting requirement by 11/30/21 then update USEPA of this achievement.